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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Young & Thompson
745 South 23rd Street
Arlington, VA 22202

In re Application of
JONES, Alan Bradley, et al.
Application No.: 09/914,733
PCT No.: PCT/AU00/00158
Int. Filing Date: 06 March 2000
Priority Date: 04 March 1999
Attorney Docket No.: 01P104
For: APPARATUS AND SYSTEM FOR
CLASSIFYING AND CONTROL
ACCESS TO INFORMATION

DECISION ON
PETITION UNDER
37 CFR 1.47(a)

This is in response to applicants' "PETITION UNDER 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 17 December 2001.

BACKGROUND

On 06 March 2000, applicants filed international application PCT/AU00/00158. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 October 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 September 2001.

On 04 September 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 October 2001, USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 17 December 2001, applicants filed "Petition Under 37 CFR §1.47(a)" accompanied by, *inter alia*, the Notification of Missing Requirements dated 15 October 2001, a combined declaration and power of attorney, and a declaration under 37 CFR §1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after

diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. Applicants paid the \$130 petition fee. The petition lists the last known address of the non-signing inventor Alan Bradley Jones as 11 Kulindi Place, Carseldine, Queensland 4034, Australia. The declaration submitted is accepted as complying with 37 CFR 1.47(a).

As to item (2), under 37 CFR 1.47(a), the petition must supply proof of pertinent facts. It is noted that "copies of documentary evidence, such as a internet searches, certified return mail receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached" should be included. MPEP §409.03(d). Further "a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made." MPEP §409.03(d).

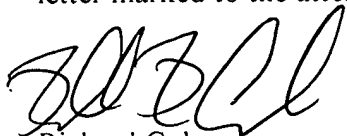
Mr. Ricky Siang Fatt Chia lacks first-hand knowledge as to points 10-12 of his statement. Point 9 has Mr. Jones saying he would consider signing the papers. This statement is insufficient to demonstrate refusal to execute the declaration.

CONCLUSION

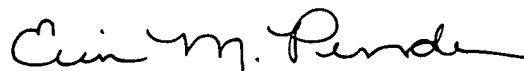
For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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